

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DEBORAH K. RYAN,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

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CIVIL NO. 3:09-CV-506-RJC-DSC

ORDER

Defendant's Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) With Reversal and Remand of the Cause to the Defendant is granted. The Court orders that, upon remand, the Appeals Council shall direct the administrative law judge (ALJ) to update the record and offer Plaintiff the opportunity for a hearing. The ALJ will be instructed to reassess Plaintiff's subjective description of her symptoms after considering all evidence in the record. The ALJ will also consider the treating source opinions, giving good reasons for the weight assigned to each opinion. The ALJ will then proceed through the sequential evaluation process before issuing a new decision.

Therefore, this Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. See *Shalala v. Schaefer*, 509 U.S. 292 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89 (1991). The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

IT IS, THEREFORE, ORDERED that the Defendant's Unopposed Motion for Entry of Judgment under Sentence Four of 42 U.S.C. § 405(g) With Reversal and Remand of the Cause to

the Defendant (Doc. No. 20) is **GRANTED**.

Signed: September 26, 2010

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

